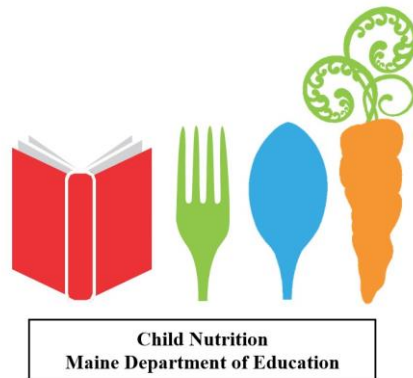


# Meal Accommodations in School Nutrition Programs



# Statutory and Regulatory Requirements

- ▶ Section 504 of the Rehabilitation Act of 1973
- ▶ Americans with Disabilities Act
  - ▶ 2008 Amendment
- ▶ Individuals with Disabilities Education Act
- ▶ 7CFR 15b
- ▶ Section 9(a) of the Richard B. Russell National School Lunch Act, 42 USC 1758(a)

# Statutory and Regulatory Requirements

- ▶ School nutrition programs *MUST* make reasonable accommodations for children with *disabilities which restrict their diet*.
- ▶ Focus on ensuring equal opportunity for all students

# Definition of a Disability

- ▶ A “person with a disability” means:
  - ▶ Any person who has a *physical or mental impairment* which substantially limits one or more *major life activities*.
  - ▶ Has a record of such an impairment or is regarded as having such an impairment.

# Major Life Activities

- ▶ Caring for self
- ▶ Performing manual tasks
- ▶ Walking
- ▶ Seeing
- ▶ Hearing
- ▶ Speaking
- ▶ Learning
- ▶ Sleeping
- ▶ Working

- ▶ Standing
- ▶ Lifting
- ▶ Bending
- ▶ Reading
- ▶ Concentrating
- ▶ Thinking
- ▶ Communicating
- ▶ Eating
- ▶ Breathing
- ▶ Major Bodily Functions  
(digestive, neurological...)

# Question

*A child with autism is very sensitive to food textures and will only eat foods with a smooth texture.*

Must the school food service make a modification for the child?

# Answer

Yes. According to the ADA, any physical or mental impairment impacting the “major life activity” of eating is considered a disability. Some children with autism have sensory sensitivities and prefer food of a certain texture or color. They may require the same foods every day and need to maintain a regular routine. If a child’s autism impacts their ability to consume Program meals, the SFA must provide a reasonable modification.

*Accommodating Children with Disabilities in the School Meal Programs, USDA 2017*

# Your Responsibilities

- ▶ Notify households:
  - ▶ The process for requesting meal modifications
  - ▶ Non-discrimination
  - ▶ Contact person for providing modifications
  - ▶ When supporting documentation is needed
  - ▶ Your timeline
  - ▶ SFAs process for handling non-disabling modification requests

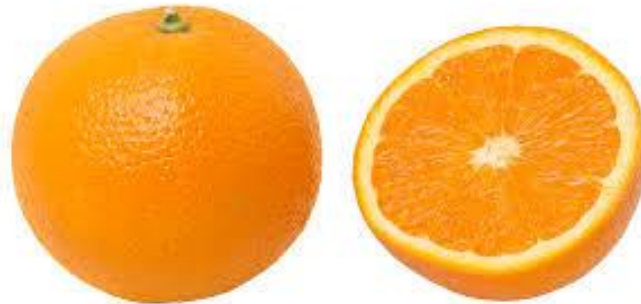


# Modification Requests That Don't Follow the Meal Pattern

- ▶ Requests for modified meals that do not follow meal pattern requirements must be supported by a medical statement signed by a licensed physician (this supports that the child has a disability)
- ▶ Meal is not eligible for reimbursement without this documentation
- ▶ Cannot charge extra for a modified meal

# Modification Requests That Do Follow the Meal Pattern

- ▶ Modifications within the meal pattern do not require a medical statement, but there are benefits to having it.
  - ▶ Ex. substitutions within a food component



# Medical Statement

- ▶ Medical Statement must provide clear instructions:
  - ✓ Sufficient information about the child's impairment to allow the SFA to understand how the impairment restricts the child's diet.
  - ✓ An explanation and instruction of how to make the accommodation.
  - ✓ The food or foods to be omitted and/or substituted from the child's diet
  - ✓ Signature of a licensed physician (MD, DO, Nurse Practitioner, & Physician's Assistant)

**Medical Statement to Request School Meal Modification**

**Important!** Select the appropriate meal modification category from the three listed below. Then carefully read and follow the procedures for that category. The school will return completed Medical Statements to the parent/guardian. If you have questions about this form, the school contact named in Part A below will assist you.

**1. Modification due to a disability.**

- A school is required to make meal modifications prescribed by a licensed physician to accommodate a student's disability. See the definition of disability on the back of this form.
- Part B of this form must be completed by a licensed physician (MD or DO).
- Parts A and C of this form must also be completed before the school can make meal modifications.
- The meal modifications will continue until a licensed physician requests that the modifications be changed or stopped on Form 15B-C, which is available from the school.
- It is strongly recommended that a licensed physician annually update the prescribed diet order.

**2. Modification due to a food allergy/intolerance, or other medical condition that does not rise to the level of a disability.**

- A school has the option to make meal modifications prescribed by a medical authority due to a food allergy/intolerance or other medical condition that does not rise to the level of a disability.
- Part B of this form must be completed by a medical authority who is a licensed physician (MD or DO), physician's assistant (PA), or advanced registered nurse practitioner (ARNP).
- Parts A and C of this form must also be completed before the school can make meal modifications.
- If a school chooses to make the meal modifications, they will continue until a medical authority requests that the modifications be changed or stopped on Form 15B-C, which is available from the school.
- It is strongly recommended that a medical authority annually update the prescribed diet order.

**3. Substitution for fluid cow's milk due to lactose intolerance, allergy, vegan diet, religious, ethical or cultural reasons.**

- A school has the option to make substitution for fluid cow's milk that is requested by a parent/guardian, but that is not prescribed by a medical authority.
- Parts A and D of this form must be completed before the school can make a substitution for fluid cow's milk.
- If a school chooses to provide such a substitution, they will continue until a parent/guardian requests that the substitution be changed or stopped on Form 15B-C, which is available from the school.

**Part A: Student, Parent/Guardian & School Contact Information** - To be completed by a parent/guardian or school contact person

Student's Name	Date of Birth	School
Parent/Guardian's Name	Parent/Guardian's Phone	
School Contact's Name	School Contact's Phone	

**Part B: Prescribed Diet Order** - This part must be completed by a medical authority as specified above.

1. Check ONE:  
☐ Disability OR ☐ Food allergy/intolerance or other medical condition that does not rise to the level of a disability

2. Specify the disability, food allergy/intolerance or medical condition related to the prescribed diet order.

3. If the student has a disability, what major life activity is affected? (Example: Allergy to peanuts affects ability to breathe)

4. Type of Special Diet:  
☐ Check if not applicable OR specify the type of special diet (e.g. low sodium, gluten-free, diabetic, etc.)

5. Modified Texture: ☐ Not Applicable ☐ Thickened ☐ Ground ☐ Pureed

05/2013 Child Nutrition & Wellness, Kansas State Department of Education Form 15B

# IEP and 504 Plans

- ▶ Dietary accommodations specified within IEP and 504 plans that contain the required information do not require additional medical statement
  - ▶ Determination of a disability has already been done

# Dietary Requests for Non-Disability Situations (Preference Requests)

- ▶ May *choose* to make these accommodations (encouraged)
- ▶ Must follow meal pattern requirements
- ▶ May use Offer Versus Serve to make the accommodation

# Question

Is a food intolerance recognized as a disability?

*Source: SP 26-2017*

# Answer

A food intolerance may be considered a disability if it substantially limits a major life activity. For example, if a child's digestion (major bodily function) is impaired by gluten intolerance, their condition may be considered a disability regardless of whether or not consuming wheat causes severe distress.

*Source: SP 26-2017*

# Question

The “regular” menu item for lunch at the local middle school is whole grain rich pasta with cheese and vegetable toppings. Must the school food service director prepare whole grain rich pasta with lactose-free cheese and vegetable toppings for a child with lactose intolerance?



# Answer

No. In a disability situation, the meal modification or meal item substituted does not need to mirror the menu item offered each day. The SFA's responsibility is to serve the child a safe meal that accommodates their disability, not to mirror the Program meal served that day. In the example used in this question, the SFA would not be required to serve a whole grain rich pasta dish and could instead serve a different meal that meets the child's modification request, such as a sandwich with whole grain rich bread.

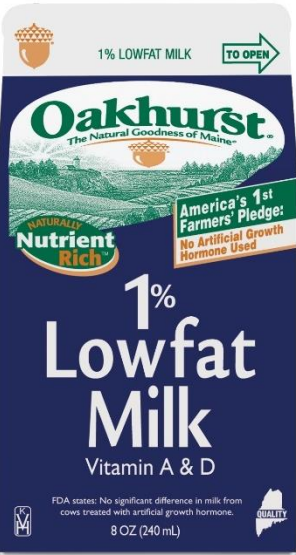
# Offer Versus Serve (OVS)

- ▶ OVS - allows students to decline some food components or food items while selecting a reimbursable meal
- ▶ Not an allowable way to make meal accommodations for a student with a disability
- ▶ Is acceptable for non-disabling “preference” requests

# Tracking Dietary Intake



# Milk Substitutions



Nutrients	Per Cup
Calcium	276 mg
Protein	8 grams
Vitamin A	500 IU
Vitamin D	100 IU
Magnesium	24 mg
Phosphorus	222 mg
Potassium	349 mg
Riboflavin	.44 mg
Vitamin B12	1.1 mcg

# Acceptable Fluid Milk Substitutions

- May offer 1% or fat-free Lactaid & certain soy-milk beverages
- Request may come from parent or MD/DO
- May not charge more
- **May not substitute Juice or water**



# Question

The parent requests the school provide almond milk.

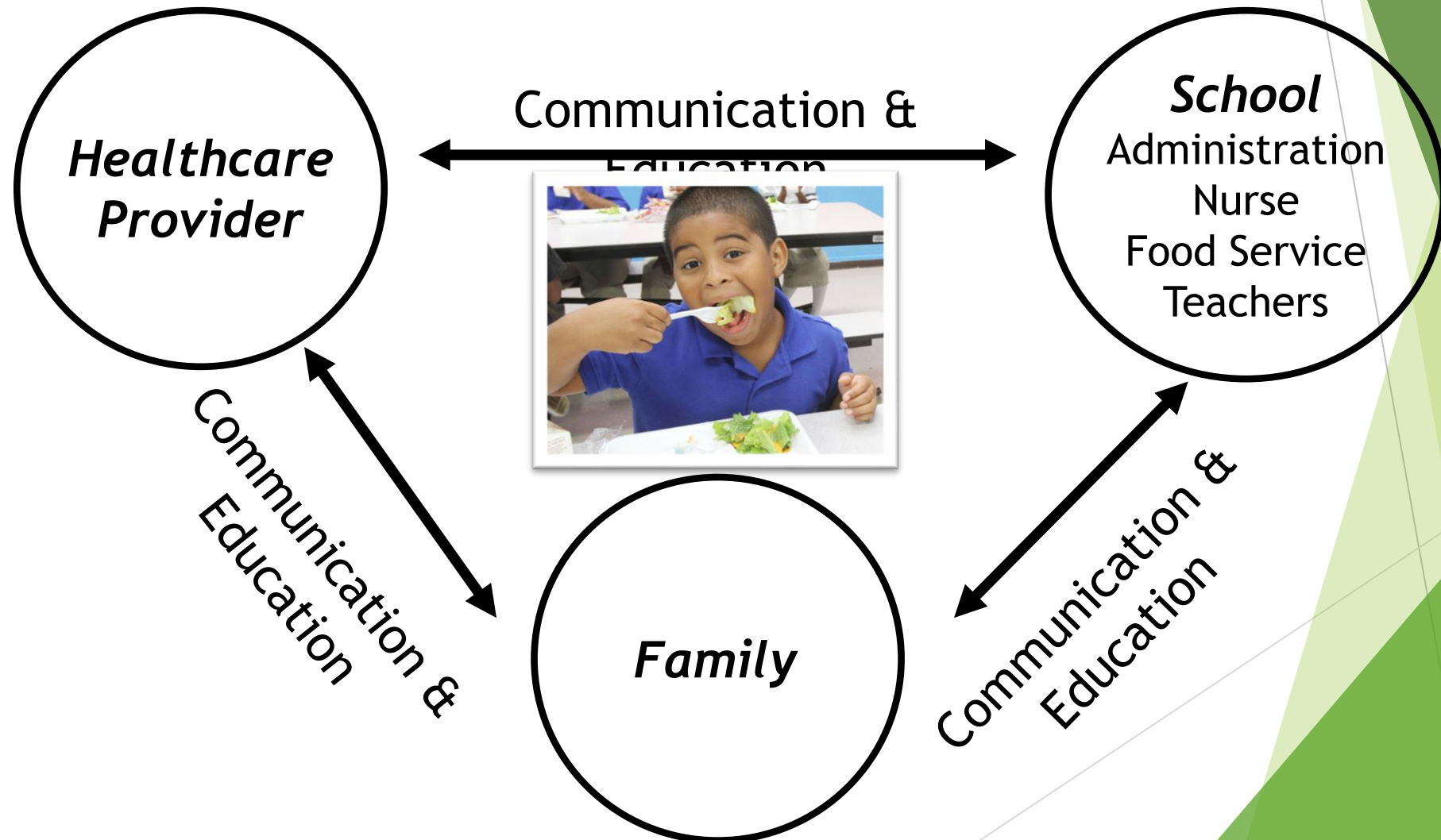
*Is this an allowable milk substitution?*

# Answer

**No!**

The only approved substitutes for regular cow's milk are lactose-free milk (lactose intolerance) and certain soymilk beverages that meet the nutrition profile of cow's milk.

# The Partnership






# Resources

- ▶ ‘Special Dietary Needs’ section under the National School Lunch Program of our website
- ▶ USDA’s Guidance Manual
- ▶ Quick Guide
- ▶ Sample parent letter, medical statement

USDA-FNS  
**Accommodating  
Children with  
Disabilities in the  
School Meal Programs**  
*Guidance for School Food  
Service Professionals*

 United States Department of Agriculture  
Food and Nutrition Service  
7/25/2017

# RESOURCES

- ▶ The Institute for Child Nutrition Food Allergy Fact Sheets:  
<https://theicn.org/school-nutrition-programs>
- ▶ The Centers for Disease Control and Prevention  
<https://www.cdc.gov/healthyschools/foodallergies/index.htm>
- ▶ The School Nutrition Association  
<https://schoolnutrition.org/education/food-allergy/>
- ▶ Maine Department of Education, Child Nutrition Programs 624-6842/624-6843

# Thank you

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- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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(Federal statement updated 1/3/2020)

State

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# Physical or Mental Impairment

- ▶ Orthopedic/Visual/  
Speech & hearing
- ▶ Cerebral Palsy
- ▶ Epilepsy
- ▶ Muscular Dystrophy
- ▶ Multiple Sclerosis
- ▶ Cancer
- ▶ Heart Disease
- ▶ Mental Retardation
- ▶ Emotional Illness
- ▶ HIV
- ▶ Tuberculosis
- ▶ Food Anaphylaxis
- ▶ Metabolic Disease  
(PKU, Diabetes)
- ▶ Celiac Disease

# Major Bodily Functions

- ▶ Functions of the immune system
- ▶ Cell Growth
- ▶ Digestive
- ▶ Bowel
- ▶ Bladder
- ▶ Brain
- ▶ Respiratory
- ▶ Circulatory
- ▶ Neurological
- ▶ Cardiovascular
- ▶ Endocrine
- ▶ Reproductive Functions